

Executive Summary – Enforcement Matter – Case No. 48002

INEOS USA LLC

RN100238708

Docket No. 2013-2160-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Chocolate Bayou Plant, located two miles south of the intersection of Farm-to-Market Road 2917 and Farm-to-Market Road 2004, Brazoria County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 28, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$35,625

Amount Deferred for Expedited Settlement: \$7,125

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$14,250

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$14,250

Name of SEP: Houston-Galveston Area Council-AERCO

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 3, 2013, September 10, 2013, and September 30, 2013

Date(s) of NOE(s): November 15, 2013 and December 20, 2013

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INEOS USA LLC
RN100238708
Docket No. 2013-2160-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,123.59 pounds ("lbs") of 1,3-butadiene from the No. 1 Olefins Cooling Tower, Emission Point Number ("EPN") AT-1210, during an emissions event (Incident No. 186028) that began on July 26, 2013 and lasted seventeen hours. The emissions event occurred when a hard polymer formation on the heat exchanger tube bundle caused the tubes to buckle, allowing hydrocarbon to leak to the cooling water side of the exchanger. Since this emissions event could have been avoided by better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 122.143(4), Permit Nos. 95 and PSDTX854M2, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O2327, Special Terms and Conditions ("STC") No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 8,606.61 lbs of ethylene, 8,414.91 lbs of carbon monoxide ("CO"), and 1,656.4 lbs of nitrogen oxides ("NO_x") from the No. 2 Olefins Flare, EPN DDM-3101, during an emissions event (Incident No. 186246) that began on August 1, 2013 and lasted ten hours and thirty minutes. The emissions event was caused by air left in the process equipment from a unit/system shutdown, which led to the acetylene reactor tripping offline due to high temperature indicators. Since this emissions event could have been avoided by better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 122.143(4), Permit Nos. 95 and PSDTX854M2, Special Conditions No. 1, FOP No. O2327, STC No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,051.69 lbs of ethylene, 4,219.21 lbs of CO, and 831.51 lbs of NO_x from the No. 1 Olefins Flare, EPN DM-1101, during an emissions event (Incident No. 187815) that began on September 8, 2013 and lasted seven hours. The emissions event was caused by a jammed valve leading to a pressure swing in the dilution steam system which caused an upset in the Olefins No. 1 Unit resulting in the flaring of off-specification product. Since this emissions event could have been avoided by better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 122.143(4), Permit Nos. 95 and PSDTX854M2, Special Conditions No. 1, FOP No. O2327, STC No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On September 9, 2013, the Respondent replaced worn valve positioner components for control valve DPCJ-012 in the dilution steam system to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 187815.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
 - a. Within 30 days, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 186028 and 186246; and
 - b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: David Carney, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-2583; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: David L. Brackett, CBW Site Manager, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77512
Theresa Vitek, SHE Manager, INEOS USA LLC, P.O. Box 1488, Alvin, Texas 77512
Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-2160-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INEOS USA LLC
Penalty Amount:	Twenty-Eight Thousand Five Hundred Dollars (\$28,500)
SEP Offset Amount:	Fourteen Thousand Two Hundred Fifty Dollars (\$14,250)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO ("AERCO")
Project Name:	<i>Clean Vehicles Partnership Project</i>
<u>Location of SEP:</u> Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO ("AERCO")** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be

INEOS USA LLC
Agreed Order - Attachment A

alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

INEOS USA LLC
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	18-Nov-2013	Screening	14-Jan-2014	EPA Due	15-Aug-2014
	PCW	15-Jan-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	INEOS USA LLC
Reg. Ent. Ref. No.	RN100238708
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	48002	No. of Violations	3
Docket No.	2013-2160-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	David Carney
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$18,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	100.0%	Enhancement	Subtotals 2, 3, & 7	\$18,750
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Notes: Enhancement for four NOV's with same/similar violations, eight agreed orders with denials of liability, and five agreed orders without denials of liability. Reduction for two notices of intent to conduct an audit.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$1,875
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$1,097
Approx. Cost of Compliance \$30,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$35,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$35,625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$35,625
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DEFERRAL	20.0%	Reduction	Adjustment	-\$7,125
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$28,500
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Screening Date 14-Jan-2014
Respondent INEOS USA LLC
Case ID No. 48002
Reg. Ent. Reference No. RN100238708
Media [Statute] Air
Enf. Coordinator David Carney

Docket No. 2013-2160-AIR-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	5	125%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 303%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with same/similar violations, eight agreed orders with denials of liability, and five agreed orders without denials of liability. Reduction for two notices of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 303%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 14-Jan-2014

Docket No. 2013-2160-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 3 (September 2011)

Case ID No. 48002

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Permit Nos. 95 and PSDTX854M2, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O2327, Special Terms and Conditions ("STC") No. 20, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,123.59 pounds ("lbs") of 1,3-butadiene from the No. 1 Olefins Cooling Tower, Emission Point Number ("EPN") AT-1210, during an emissions event (Incident No. 186028) that began on July 26, 2013 and lasted seventeen hours. The emissions event occurred when a hard polymer formation on the heat exchanger tube bundle caused the tubes to buckle, allowing hydrocarbon to leak to the cooling water side of the exchanger. Since this emissions event could have been avoided by better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

X (mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$552

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent INEOS USA LLC
 Case ID No. 48002
 Reg. Ent. Reference No. RN100238708
 Media Air
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	26-Jul-2013	2-Sep-2014	1.10	\$552	n/a	\$552

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 186028. The date required is the date of the emissions event and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$552

Screening Date 14-Jan-2014

Docket No. 2013-2160-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 3 (September 2011)

Case ID No. 48002

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Permit Nos. 95 and PSDTX854M2, Special Conditions No. 1, FOP No. O2327, STC No. 20, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 8,606.61 lbs of ethylene, 8,414.91 lbs of carbon monoxide ("CO"), and 1,656.4 lbs of nitrogen oxides ("NOx") from the No. 2 Olefins Flare, EPN DDM-3101, during an emissions event (Incident No. 186246) that began on August 1, 2013 and lasted ten hours and thirty minutes. The emissions event was caused by air left in the process equipment from a unit/system shutdown, which led to the acetylene reactor tripping offline due to high temperature indicators. Since this emissions event could have been avoided by better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix
Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$544

Violation Final Penalty Total \$15,000

This violation Final Assessed Penalty (adjusted for limits) \$15,000

Economic Benefit Worksheet

Respondent INEOS USA LLC
 Case ID No. 48002
 Reg. Ent. Reference No. RN100238708
 Media Air
 Violation No. 2

Percent Interest 5.0
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	1-Aug-2013	2-Sep-2014	1.09	\$544	n/a	\$544

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 186246. The date required is the date of the emissions event and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$544

Screening Date 14-Jan-2014

Docket No. 2013-2160-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 3 (September 2011)

Case ID No. 48002

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator David Carney

Violation Number 3

Rule Cite(s)

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Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent came into compliance on September 9, 2013, prior to the Notice of Enforcement dated December 20, 2013.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

Economic Benefit Worksheet

Respondent INEOS USA LLC
Case ID No. 48002
Reg. Ent. Reference No. RN100238708
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	8-Sep-2013	9-Sep-2013	0.00	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to replace worn valve positioner components for control valve DPCJ-012 in the dilution steam system to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 187815. The date required is the date of the emissions event and the final date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1



Compliance History Report

PUBLISHED Compliance History Report for CN602817884, RN100238708, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN602817884, INEOS USA LLC

Classification: SATISFACTORY

Rating: 8.61

Regulated Entity: RN100238708, Chocolate Bayou Plant

Classification: SATISFACTORY

Rating: 24.64

Complexity Points: 37

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: TWO MILES SOUTH OF THE INTERSECTION OF FARM-TO-MARKET ROAD 2917 AND FARM-TO-MARKET ROAD 2004, TEXAS, BRAZORIA COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER BL0002S

AIR OPERATING PERMITS PERMIT 2327

WASTEWATER PERMIT WQ0001333000

PETROLEUM STORAGE TANK REGISTRATION 12999

UNDERGROUND INJECTION CONTROL PERMIT 5D0400007

AIR NEW SOURCE PERMITS PERMIT 101

AIR NEW SOURCE PERMITS REGISTRATION 12953

AIR NEW SOURCE PERMITS REGISTRATION 10465

AIR NEW SOURCE PERMITS REGISTRATION 11060

AIR NEW SOURCE PERMITS REGISTRATION 12136

AIR NEW SOURCE PERMITS ACCOUNT NUMBER BL0002S

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX854

AIR NEW SOURCE PERMITS PERMIT 491A

AIR NEW SOURCE PERMITS PERMIT 2798

AIR NEW SOURCE PERMITS PERMIT 7196

AIR NEW SOURCE PERMITS PERMIT 35735

AIR NEW SOURCE PERMITS REGISTRATION 71820

AIR NEW SOURCE PERMITS REGISTRATION 76394

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX983

AIR NEW SOURCE PERMITS REGISTRATION 76401

AIR NEW SOURCE PERMITS REGISTRATION 78501

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX854M2

AIR NEW SOURCE PERMITS REGISTRATION 94567

AIR NEW SOURCE PERMITS REGISTRATION 113162

WATER LICENSING LICENSE 0200132

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30042

STORMWATER PERMIT TXR15XT90

AIR OPERATING PERMITS PERMIT 1353

POLLUTION PREVENTION PLANNING ID NUMBER P00028

WASTEWATER EPA ID TX0004821

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200132

AIR NEW SOURCE PERMITS PERMIT 95

AIR NEW SOURCE PERMITS REGISTRATION 75608

AIR NEW SOURCE PERMITS REGISTRATION 75399

AIR NEW SOURCE PERMITS REGISTRATION 10906

AIR NEW SOURCE PERMITS REGISTRATION 11539

AIR NEW SOURCE PERMITS REGISTRATION 12709

AIR NEW SOURCE PERMITS AFS NUM 4803900014

AIR NEW SOURCE PERMITS PERMIT 488A

AIR NEW SOURCE PERMITS REGISTRATION 1041

AIR NEW SOURCE PERMITS PERMIT 4882

AIR NEW SOURCE PERMITS PERMIT 19868

AIR NEW SOURCE PERMITS REGISTRATION 48637

AIR NEW SOURCE PERMITS REGISTRATION 74968

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX793

AIR NEW SOURCE PERMITS REGISTRATION 76826

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX642

AIR NEW SOURCE PERMITS REGISTRATION 78483

AIR NEW SOURCE PERMITS REGISTRATION 87813

AIR NEW SOURCE PERMITS PERMIT 97769

AIR NEW SOURCE PERMITS REGISTRATION 109242

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD050309012

AIR EMISSIONS INVENTORY ACCOUNT NUMBER BL0002S

Compliance History Period: September 01, 2008 to August 31, 2013

Rating Year: 2013

Rating Date: 09/01/2013

Date Compliance History Report Prepared: December 05, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 05, 2008 to December 05, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: David Carney

Phone: (512) 239-2583

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 03/12/2009 ADMINORDER 2008-1561-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failed to prevent rupture of Tank AF4601B roof seals.
- 2 Effective Date: 07/20/2009 ADMINORDER 2009-0292-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: INEOS failed to prevent an avoidable emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: INEOS failed to prevent an avoidable emissions event.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to prevent the unauthorized release of 2,739 lbs of ethylene, 93 lbs of 1,3-butadiene, 303 lbs of propylene, 1,119 lbs nitrogen oxides, 5,701 lbs carbon monoxide, and 527 lbs of other volatile organic compounds (VOCs). This was caused by a malfunction of a level controller on the feed drum separator to a demethanizer column.
- 3 Effective Date: 11/13/2009 ADMINORDER 2009-0758-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PA
Description: Failure to prevent unauthorized emissions. Specifically, the failure of the mechanical arm caused the malfunction of DDC-201 crack gas compressor.
- 4 Effective Date: 04/11/2010 ADMINORDER 2009-1084-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event. The operator failed to control the liquid level on first stage suction drum (D-201).
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions during an emissions event. Specifically, INEOS failed to prevent

the loss of steam pressure which resulted in C-201 cracked gas compressor trip.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions. The valve controller to the R-202 acetylene reactor was tuned improperly.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions when the block valve to DB901A fuel line was not fully closed.

5 Effective Date: 04/25/2010 ADMINORDER 2009-1737-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent the release of unauthorized emissions which was caused by the polymerization of 1,3-butadiene in the process.

6 Effective Date: 03/07/2011 ADMINORDER 2010-1059-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions from the No. 2 Olefins Flare, including more than 1,200 lbs per hour of HRVOC, during an excessive emissions event (Incident No. 135112) which began on January 28, 2010

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions from relief valves and the No. 1 Olefins flare during an emissions event (Incident No 135522) on February 6, 2010

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No.1 PERMIT

Description: Failed to prevent unauthorized emissions from the No. 2 Olefins Flare during an emissions event (Incident No. 134543) beginning on January 15, 2010.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 8.B. PERMIT

Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions from the PP3 Flare and to maintain the flame on the flare during an emissions event (Incident No. 137002) which began on March 13, 2010

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions from the No. 1 Olefins Flare during an emissions event (Incident No. 137806) which began on March 31, 2010.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions from the DDG-411AN propylene product pump during an emissions event (Incident No. 138184) on April 10, 2010

7

Effective Date: 05/08/2011 ADMINORDER 2010-0507-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit a notification for the unplanned startup of the refrigeration compressor DC-301 in the Olefins 1 Unit on February 26, 2010. During the startup, emissions were released from the Olefins 1 Flare (Emission Point No. DM-1101) in excess of the reportable quantities for propylene, ethylene, 1,3-butadiene, and nitrogen oxides.

8

Effective Date: 06/20/2011 ADMINORDER 2010-1421-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PA
Special Condition 18 OP

Description: Failed to comply with the NOx annual MAER for the NOx Other Source Routine Emission Cap. Specifically, the Respondent exceeded the rolling 12-month NOx permitted annual MAER of 86.91 tons per year for the NOx Other Source Routine Emissions from October 2007 through January 2008, resulting in the unauthorized release of 80.36 tons in this four-month period. Category A.12.i.(6) violation.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)
5C THSC Chapter 382 382.085(b)

Description: Failed to limit the 24-hour average NH3 concentration to 10 ppmv for Pyrolysis Furnaces EPN DB105, DB106, DB107, DB108, and DB109 from October 2, 2007 through September 24, 2008. Specifically, EPN DB105 had concentrations up to 50 ppmv for 2,948 hrs, EPN DB106 had concentrations up to 32 ppmv for 1,808 hrs, EPN DB107 had concentrations up to 15 ppmv for 362 hrs, EPN DB108 had concentrations up to 31 ppmv for 1,557 hrs, and EPN DB109 had concentrations up to 45 ppmv for 2,264 hrs.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 13 PA
Special Condition 18 OP

Description: Failed to limit the NOx emission rate from Pyrolysis Furnaces EPNs DB105, DB106, DB107, DB108, and DB109 to below 0.05 pounds per million British thermal units ("lb/MMBtu") from October 22, 2007 through September 29, 2008. Specifically, EPN DB105 had NOx emission rates up to 0.17 lb/MMBtu for 52 hrs, EPN DB106 had NOx emission rates up to 0.13 lb/MMBtu for 52 hrs, EPN DB107 had NOx emission rates up to 0.14 lb/MMBtu for 78 hrs, EPN DB108 had NOx emission rates up to 0.10 lb/MMBtu for 148 hrs,

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-854M2/ SC34.F., 34.G,35.G, 37.A. PA
Special Conditions 1A, 18 OP

Description: Failed to monitor, with a hydrocarbon gas analyzer, two pumps, 38 valves, and 20 flanges/connectors in the Olefins 2 Unit (Unit ID No. HVALVEFUG) from April 1, 2006 through July 8, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-854M2/SC 34F, 34G, 35G, 37A PA

Special Conditions 1A, 18 OP

Description: Failed to monitor, with a hydrocarbon gas, analyzer one pump, 133 valves, and 133 flanges/connectors in the Tank Farm (EPN FUG-FTF) from October 1, 2007 through August 14, 2008.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PA

Special Condition 18 OP

Description: Failed to comply with the CO hourly MAER for the Furnace Emission Cap-Phase I. Specifically, the Respondent exceeded the CO permitted hourly MAER of 184.22 lb/hr for a total of 26 hrs resulting in the unauthorized release of approximately 450.34 lbs of CO from April 17, 2008 through May 5, 2008. Category A.12.i.(6) violation.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PSD-TX-854M2/ Special Condition 1 PA

Special Terms and Conditions No. 18 OP

Description: Failed to comply with the NOx hourly MAER for the NOx Furnace Emission Cap-Phase II. Specifically, the Respondent exceeded the NOx permitted hourly MAER of 248.95 pounds per hour ("lb/hr") by up to 288.67 lb/hr for a total of 661 hours ("hrs") from November 27, 2007 through August 28, 2008 resulting in the unauthorized release of approximately 14,553 pounds ("lbs") of NOx.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PA

Special Condition 18 OP

Description: Failed to comply with the NH3 hourly MAER for the Furnace Emission Cap-Phase I for Pyrolysis Furnaces EPNs DB105, DB106, DB107, DB108, and DB109. Specifically, the furnaces exceeded the NH3 hourly emission rate of 11.93 lb/hr from October 3 through 31, 2007 for a total of 102 hrs, resulting in the unauthorized release of approximately 394.97 lbs of NH3. Category B 14. This is a repeat Category B violation. Investigation number 636605.

9 Effective Date: 08/27/2011 ADMINORDER 2011-0223-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Also Permit PSD-TX-854M2, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions in the Olefins No. 1 Unit on October 7, 2010 (Incident No. 145798)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition #1 PERMIT

Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions in the Olefins No. 1 Unit on October 9, 2010 (Incident No. 145856). EIC Cat A 12 (i)(6)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SPECIAL CONDITION 1 PERMIT

Description: Failed to prevent unauthorized emissions in the Olefins No. 1 Unit on September 29, 2010 (Incident No. 145451) A8(c)(2)(a)(ii) EPA High Priority Violation.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.987(b)(1)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1A, 18A OP

Special Condition 8 PA

Description: Failed to conduct the initial performance tests on the Olefins 1 and 2 Flares when they became subject to 40 C.F.R Part 63, Subpart FFFF regulations on May 10, 2008. High Priority Violation List (HPV). Attachment A c.(1)(G) violation.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions in the Olefins No. 2 Unit on October 13, 2010 (Incident No. 146027). EIC Subcategory A(12)(i)(6)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SPECIAL CONDITION 1 PERMIT

Description: Failed to prevent unauthorized emissions in the Olefins Nos. 1 and 2 Units on October 10, 2010 (Incident No. 145871)

10 Effective Date: 11/03/2011 ADMINORDER 2011-0614-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT

SC1 PERMIT

Description: Ineos failed to prevent unauthorized emissions during Incident No. 148890. Ineos failed to take the tower off DMC control prior to removing an analyzer from service.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
5C THSC Chapter 382 382.085(b)

Description: Ineos failed to report all contaminants released in the final report. Specifically, the final report submitted for Incident No. 148890, failed to specify the release of propylene, 1,3-butadiene, butenes and pentane.

11 Effective Date: 12/19/2011 ADMINORDER 2011-1081-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Flex Permit 95 and PSD-TX-854M2, SC 1 PERMIT

ST&C 9 OP

Description: Ineos failed to prevent unauthorized emissions during Incident No. 148890. Ineos failed to prevent an emissions event caused by failing to unblock the steam tracing line and by cracks in the steam tracing line which resulted in the release of unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

5C THSC Chapter 382 382.085(b)

Description: Ineos failed to report totally during Incident No. 148890.

12 Effective Date: 03/03/2012 ADMINORDER 2011-1585-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

ST & C 19 OP

Description: Failed to prevent unauthorized emissions during an emissions event on April 19, 2011 in the Olefins No. 1 Unit during the three hour event (Incident No. 153489). Specifically, the Respondent released 2,955.21 pounds ("lbs") of ethylene, 2,311.14 lbs of carbon monoxide, 761.19 lbs of nitrogen oxides, 180.03 lbs of propane, 166.94 lbs of pentane, 3.30 lbs of 1,3-butadiene, 0.86 lb of propylene, and 0.39 lb of butenes when a gasket failed and pieces of debris fouled the TVA105B valve, causing it t

13 Effective Date: 07/06/2012 ADMINORDER 2011-1788-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

ST&C 2.F. OP

Description: INEOS failed to prevent unauthorized emissions during Incident No. 155324. INEOS failed to comply with the emissions events reporting requirements that resulted in the release of unauthorized emissions of 79.58 lbs of 1,3 butadiene; 2,900.23 lbs of VOC; 3,483.01 lbs of carbon monoxide; and 683.50 lbs of nitrogen oxides

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	December 10, 2008	(727446)
Item 2	February 03, 2009	(722657)
Item 3	February 05, 2009	(722823)
Item 4	February 10, 2009	(726338)
Item 5	March 04, 2009	(750206)
Item 6	April 01, 2009	(750208)
Item 7	April 08, 2009	(750207)
Item 8	April 24, 2009	(737309)
Item 9	May 15, 2009	(742437)
Item 10	June 09, 2009	(768313)
Item 11	July 16, 2009	(748313)
Item 12	August 07, 2009	(741172)
Item 13	August 20, 2009	(766649)
Item 14	September 02, 2009	(760233)
Item 15	September 03, 2009	(761249)
Item 16	September 09, 2009	(924769)
Item 17	September 18, 2009	(763553)
Item 18	September 28, 2009	(762141)
Item 19	September 30, 2009	(764855)
Item 20	October 01, 2009	(765567)
Item 21	October 05, 2009	(924770)
Item 22	November 05, 2009	(746389)
Item 23	November 09, 2009	(804520)
Item 24	November 10, 2009	(746109)
Item 25	December 02, 2009	(778933)

Item 26	December 07, 2009	(804521)
Item 27	December 22, 2009	(780308)
Item 28	December 23, 2009	(777974)
Item 29	January 05, 2010	(778214)
Item 30	January 11, 2010	(804522)
Item 31	January 22, 2010	(787933)
Item 32	January 26, 2010	(787753)
Item 33	January 27, 2010	(789059)
Item 34	February 08, 2010	(804519)
Item 35	March 04, 2010	(830831)
Item 36	April 07, 2010	(830832)
Item 37	April 19, 2010	(796648)
Item 38	April 23, 2010	(795826)
Item 39	May 10, 2010	(800560)
Item 40	May 13, 2010	(830833)
Item 41	May 26, 2010	(802444)
Item 42	June 17, 2010	(824648)
Item 43	July 08, 2010	(860846)
Item 44	July 21, 2010	(841099)
Item 45	July 28, 2010	(825561)
Item 46	August 09, 2010	(824509)
Item 47	August 12, 2010	(866812)
Item 48	September 03, 2010	(841100)
Item 49	September 07, 2010	(841097)
Item 50	September 08, 2010	(873884)
Item 51	September 21, 2010	(881485)
Item 52	October 13, 2010	(866253)
Item 53	November 03, 2010	(888014)
Item 54	November 08, 2010	(866088)
Item 55	November 10, 2010	(826661)
Item 56	November 24, 2010	(826657)
Item 57	December 08, 2010	(971359)
Item 58	December 09, 2010	(896219)
Item 59	December 10, 2010	(878760)
Item 60	January 07, 2011	(843913)
Item 61	January 10, 2011	(885126)
Item 62	January 27, 2011	(870365)
Item 63	February 08, 2011	(894375)
Item 64	March 04, 2011	(893279)
Item 65	March 10, 2011	(891868)
Item 66	March 15, 2011	(885405)
Item 67	March 23, 2011	(887208)
Item 68	March 30, 2011	(900038)
Item 69	March 31, 2011	(924768)
Item 70	April 06, 2011	(908551)
Item 71	April 07, 2011	(905461)
Item 72	April 28, 2011	(914182)
Item 73	May 10, 2011	(938008)
Item 74	June 01, 2011	(911882)
Item 75	June 10, 2011	(945331)
Item 76	June 21, 2011	(952605)
Item 77	August 11, 2011	(959286)
Item 78	August 17, 2011	(948255)
Item 79	August 18, 2011	(944175)
Item 80	August 22, 2011	(936295)
Item 81	September 08, 2011	(965319)
Item 82	October 19, 2011	(950942)
Item 83	November 08, 2011	(977519)
Item 84	December 06, 2011	(1060815)
Item 85	December 16, 2011	(971210)

Item 86	January 04, 2012	(990587)
Item 87	January 10, 2012	(976895)
Item 88	January 20, 2012	(976892)
Item 89	February 08, 2012	(997948)
Item 90	February 15, 2012	(987611)
Item 91	February 16, 2012	(983940)
Item 92	March 06, 2012	(1003472)
Item 93	April 27, 2012	(996484)
Item 94	May 01, 2012	(996432)
Item 95	May 08, 2012	(1016430)
Item 96	May 09, 2012	(990200)
Item 97	May 18, 2012	(996396)
Item 98	June 01, 2012	(1002071)
Item 99	June 08, 2012	(1031546)
Item 100	June 12, 2012	(1024150)
Item 101	June 27, 2012	(1014044)
Item 102	July 24, 2012	(1019304)
Item 103	August 09, 2012	(1037922)
Item 104	September 05, 2012	(1046652)
Item 105	September 14, 2012	(1023925)
Item 106	October 09, 2012	(1030930)
Item 107	October 15, 2012	(1031134)
Item 108	October 16, 2012	(1034466)
Item 109	October 18, 2012	(1030864)
Item 110	November 08, 2012	(1060816)
Item 111	December 04, 2012	(1060817)
Item 112	February 06, 2013	(1078928)
Item 113	February 25, 2013	(1057082)
Item 114	March 08, 2013	(1089288)
Item 115	March 26, 2013	(1073193)
Item 116	April 03, 2013	(1095682)
Item 117	May 08, 2013	(1106606)
Item 118	June 06, 2013	(1110283)
Item 119	June 07, 2013	(1093422)
Item 120	June 11, 2013	(1086598)
Item 121	June 17, 2013	(1057913)
Item 122	June 19, 2013	(1095105)
Item 123	July 03, 2013	(1117167)
Item 124	August 08, 2013	(1124923)
Item 125	September 05, 2013	(1129523)
Item 126	October 21, 2013	(1105250)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	02/15/2013	(1053667)	CN602817884	
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT			
	Description:	Failure to prevent unauthorized emissions. Specifically, Ineos failed to prevent cracked gas liquids from entering the process sewer and the Unit's API separator.			
2	Date:	04/30/2013	(1050733)	CN602817884	
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 106, SubChapter W 106.511 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Title V O2327, ST&C 20 PERMIT			
	Description:	Failure to keep the run time for Engine OLE2COMP2 within the maximum allowed			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter H 115.722(d)			

Published Compliance History Report for CN602817884, RN100238708, Rating Year 2013 which includes Compliance History (CH) components from December 05, 2008, through December 05, 2013.

	30 TAC Chapter 116, SubChapter G 116.715(a)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)		
	5C THSC Chapter 382 382.085(b)		
	NSR 95, SC 11B PERMIT		
	Title V O2327, ST&C 1A and 19A PERMIT		
Description:	Loss of pilot lights for Flare P-1OLEF		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.722(d)(1)		
	30 TAC Chapter 116, SubChapter G 116.715(a)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)		
	5C THSC Chapter 382 382.085(b)		
	NSR 95, SC 11A PERMIT		
	Title V O2327, ST&C 1A and 19A PERMIT		
Description:	Failure to maintain the minimum heating value for Flare P-2OLEF		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)		
	5C THSC Chapter 382 382.085(b)		
Description:	Loss of Dock Flare thermocouple data		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THSC Chapter 382 382.085(b)		
	NSR 95, SC 49 PERMIT		
	Title V O2327, ST&C 19A PERMIT		
Description:	Failure to properly operate flare flow meter		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4)		
	30 TAC Chapter 115, SubChapter H 115.783(5)		
	30 TAC Chapter 116, SubChapter G 116.715(a)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)		
	40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)		
	5C THSC Chapter 382 382.085(b)		
	NSR 95, SC 34E PERMIT		
	Title V O2327, ST&C 1A and 19A PERMIT		
Description:	Open-ended lines		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.721(a)		
	5C THSC Chapter 382 382.085(b)		
Description:	Failure to maintain average hourly benzene concentration at or below 10 ppmv at the Olefins No. 1 Unit API Separator (DAPISEP) and the Olefins No. 2 Unit API Separator (HAPISEP)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.340(c)(1)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THSC Chapter 382 382.085(b)		
	Title V O2327, ST&C 1A PERMIT		
Description:	Downtime of continuous emissions monitoring system (CEMS) and predictive emissions monitoring system (PEMS) for combustion devices		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.310(c)(2)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THSC Chapter 382 382.085(b)		
	Title V O2327, ST&C 1A PERMIT		
Description:	Failure to maintain NH3 emissions from Combustion Devices (DB108 & DB109) at or below 10 ppmv		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THSC Chapter 382 382.085(b)		
	NSR 95, SC 13 PERMIT		
	Title V O2327, ST&C 19A PERMIT		
Description:	Failure to maintain NOx emissions from Combustion Devices (DB107 & DB109) at or below 0.05 lb/MMBtu		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.310(c)(1)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		

5C THSC Chapter 382 382.085(b)
 Title V O2327, SC 1A PERMIT
 Description: Failure to maintain CO emissions from Combustion Device (HB102B) at or below the 400 ppmv limit over 11 hours
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 2798, SC 1 PERMIT
 Title V O2327, ST&C 19A PERMIT
 Description: Failure to maintain CO emissions from Combustion Device (HB901B) at or below the permitted hourly CO emission rate of 14.4 lbs/hr
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Title V O2327, ST&C 1A PERMIT
 Description: Failure to take manual samples for HRVOC from the cooling tower (HCWT) during out-of-order periods of the on-line HRVOC monitor of 24 hours or greater
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.345(c)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Title V O2327, ST&C 1A PERMIT
 Description: Failure to submit RATA test results for NOx monitors on Furnaces (HB101B and HB101D) within the required time frame
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR 95, SC 38A PERMIT
 Title V O2327, ST&C 19A PERMIT
 Description: Failure to perform leak checks and/or maintain records to demonstrate the required audio, visual, and olfactory (AVO) checks for NH3 leaks that are conducted every shift
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.223(a)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Title V O2327, ST&C 2J PERMIT
 Description: Failure to complete a Corrective Action Plan (CAP) in accordance with the approved schedule
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Title V O2327, ST&C 1A PERMIT
 Description: Failure to perform daily calibration on Olefins Unit No. 2 Cooling Tower Gas Chromatograph (GC)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 Title V O2327, General Terms and Conditions PERMIT
 Description: Failure to include all deviations in the deviation report submitted April 25, 2012
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Title V O2327, ST&C 1A PERMIT
 Description: Failure to collect samples for HRVOC from Olefins Unit No. 2 flare during GC analyzer system outage
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Title V O2327, ST&C 1A PERMIT
 Description: Failure to submit RATA post-test notification for NOx monitor on Furnace (DDB-104B) within the required time frame

3 Date: 06/25/2013 (1086799) CN602817884

Self Report? NO Classification: Moderate

Published Compliance History Report for CN602817884, RN100238708, Rating Year 2013 which includes Compliance History (CH) components from December 05, 2008, through December 05, 2013.

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, Ineos failed to keep a flow meter transmitter in a proper operating condition. (Category B13)

4

Date: 07/26/2013 (1094172) CN602817884

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term & Condition 9 OP

Description: Failure to comply with the annual limits in the MAERT table of Permit 19868. (Category B14 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 5E PERMIT
Special Term & Condition 1A OP
Special Term & Condition 9 OP

Description: Failure to keep plugged or otherwise sealed three open open-ended lines. (Category C10 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 8A PERMIT
Special Term & Condition 1A OP
Special Term & Condition 9 OP

Description: Failure to operate the flares (EPN: FLARE & P4FLARE) at or above the required minimum net heating values. (Category C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart A 60.18(c)(4)(i)
5C THSC Chapter 382 382.085(b)
Special Condition 8A PERMIT
Special Term & Condition 1A OP
Special Term & Condition 9 OP

Description: Failure to operate the flare (EPN: FLARE) within the required maximum exit velocity. (Category C4 Violation).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 8A PERMIT
Special Term & Condition 1A OP
Special Term & Condition 9 OP

Description: Failure to maintain a continuously operating pilot lights for the flare. (Category C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to perform the annual flow meter calibrations for the PP3 & PP4 Cooling Towers (Category C1 Violation).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP

Description: Failure to include all deviations in the deviation report dated April 30, 2013

Published Compliance History Report for CN602817884, RN100238708, Rating Year 2013 which includes Compliance History (CH) components from December 05, 2008, through December 05, 2013.

F. Environmental audits:

Notice of Intent Date: 04/30/2010 (803375)

No DOV Associated

Notice of Intent Date: 05/17/2013 (1095536)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
INEOS USA LLC
RN100238708**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-2160-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding INEOS USA LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant two miles south of the intersection of Farm-to-Market Road 2917 and Farm-to-Market Road 2004 in Brazoria County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about November 20, 2013 and December 25, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-Five Thousand Six Hundred Twenty-Five Dollars (\$35,625) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand Two Hundred Fifty Dollars (\$14,250) of the administrative penalty and Seven Thousand One

Hundred Twenty-Five Dollars (\$7,125) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Fourteen Thousand Two Hundred Fifty Dollars (\$14,250) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that on September 9, 2013, the Respondent replaced worn valve positioner components for control valve DPCJ-012 in the dilution steam system to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 187815.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 122.143(4), Permit Nos. 95 and PSDTX854M2, Special Conditions No. 1, Federal Operating Permit ("FOP") No. 02327, Special Terms and Conditions ("STC") No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 10, 2013. Specifically, the Respondent released 2,123.59 pounds ("lbs") of 1,3-butadiene from the No. 1 Olefins Cooling Tower, Emission Point Number ("EPN") AT-1210, during an emissions event (Incident No. 186028) that began on July 26, 2013 and lasted seventeen hours. The emissions event occurred when a hard polymer formation on the heat exchanger tube bundle caused the tubes to buckle, allowing hydrocarbon to leak to the cooling water side of the exchanger. Since this emissions event could have been avoided by better operation

and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 122.143(4), Permit Nos. 95 and PSDTX854M2, Special Conditions No. 1, FOP No. O2327, STC No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 3, 2013. Specifically, the Respondent released 8,606.61 lbs of ethylene, 8,414.91 lbs of carbon monoxide ("CO"), and 1,656.4 lbs of nitrogen oxides ("NO_x") from the No. 2 Olefins Flare, EPN DDM-3101, during an emissions event (Incident No. 186246) that began on August 1, 2013 and lasted ten hours and thirty minutes. The emissions event was caused by air left in the process equipment from a unit/system shutdown, which led to the acetylene reactor tripping offline due to high temperature indicators. Since this emissions event could have been avoided by better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 122.143(4), Permit Nos. 95 and PSDTX854M2, Special Conditions No. 1, FOP No. O2327, STC No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 30, 2013. Specifically, the Respondent released 7,051.69 lbs of ethylene, 4,219.21 lbs of CO, and 831.51 lbs of NO_x from the No. 1 Olefins Flare, EPN DM-1101, during an emissions event (Incident No. 187815) that began on September 8, 2013 and lasted seven hours. The emissions event was caused by a jammed valve leading to a pressure swing in the dilution steam system which caused an upset in the Olefins No. 1 Unit resulting in the flaring of off-specification product. Since this emissions event could have been avoided by better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: INEOS USA LLC, Docket No. 2013-2160-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Fourteen Thousand Two Hundred Fifty Dollars (\$14,250) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 186028 and 186246; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Davis
For the Executive Director

4/28/14
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]
Signature

3/27/2014
Date

DAVID L. BRACKETT
Name (Printed or typed)
Authorized Representative of
INEOS USA LLC

CBW SITE MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2013-2160-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	INEOS USA LLC
Penalty Amount:	Twenty-Eight Thousand Five Hundred Dollars (\$28,500)
SEP Offset Amount:	Fourteen Thousand Two Hundred Fifty Dollars (\$14,250)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO ("AERCO")
Project Name:	<i>Clean Vehicles Partnership Project</i>
<u>Location of SEP:</u> Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO ("AERCO")** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be

INEOS USA LLC
Agreed Order - Attachment A

alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

INEOS USA LLC
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.